

## NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

### NOTICE OF EXEMPT RULEMAKING

#### TITLE 1. RULES AND THE RULEMAKING PROCESS

#### CHAPTER 1. SECRETARY OF STATE

#### RULES AND RULEMAKING

#### PREAMBLE

- 1. Sections Affected**  
R1-1-113
- Rulemaking Action**  
Amend
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rule is implementing (specific):**  
Authorizing statutes: A.R.S. §§ 41-1005(A)(5) and 41-1011 through 41-1013  
Implementing statutes: A.R.S. §§ 41-1001 through 41-1036
- 3. The effective date of the rules:**  
August 22, 2003
- 4. A list of all previous notices appearing in the Register addressing the exempt rule:**  
Notice of Rulemaking Docket Opening: 8 A.A.R. 2170, May 17, 2002  
Notice of Proposed Rulemaking: 8 A.A.R. 4518, November 1, 2002  
  
Note: The docket opening and proposed rules cited above were for all of 1 A.A.C. 1. The final rules were submitted to the Attorney General in November 2002. The text of R1-1-113 in the final rules and in this exempt rulemaking are identical. The Office of the Secretary of State is proceeding with this exempt rule while waiting for approval of the final rules from the Attorney General.
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
Name: Scott Cancelosi  
Assistant Director, Public Services Division  
  
or  
  
John Kyl  
Editor, *Arizona Administrative Code*  
  
Address: Office of the Secretary of State  
1700 W. Washington, 7th Floor  
Phoenix, AZ 85007  
  
Telephone: (602) 542-4751  
Fax: (602) 542-4366  
E-mail: scancelosi@sos.state.az.us or jkyl@sos.state.az.us
- 6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from regular rulemaking procedures:**  
The purpose of this rulemaking is to update the fees charged by the Secretary of State for the *Arizona Administrative Code* and *Register*, which have remained unchanged for eight years. A new fee for commercial use of the *Register* is established so that commercial users of the *Register* can comply with A.R.S. § 39-121.03. This rulemaking is exempt from the Administrative Procedure Act under A.R.S. § 41-1005(A)(5).

Notices of Exempt Rulemaking

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. A summary of the economic, small business, and consumer impact:

The Office will begin to sell the *Register* on electronic media. Because technology is changing rapidly, the Office is not specifying the medium or media involved. This will change as technology changes. The cost of the medium will always reflect the cost of the medium to the Office. *Register* prices were last changed January 1, 1995.

Certain fee changes are proposed in these rules. Commercial fees for the *Register* are introduced that will cover costs of production and distribution. Fees for electronic versions of the *Register* and *Code* are introduced that will cover costs of production and distribution. The commercial fee for the entire *Code* will decrease almost \$3,000. Prices for paper copies of the *Code* and *Register* remain unchanged. The Office receives very few requests for electronic versions of the *Code* and *Register*, as they are available on the Secretary of State's web site. The Office has only two commercial subscribers to the *Code*, one of which has requested a commercial subscription to the *Register*. Because of this request, the Office needed to propose a commercial fee for the *Register*.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Not applicable

11. A summary of the comments made regarding the rule and the agency response to them:

None

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

13. Incorporations by reference and their location in the rules:

None

14. Was this rule previously made as an emergency rule?

No

15. The full text of the rules follows:

TITLE 1. RULES AND THE RULEMAKING PROCESS

CHAPTER 1. SECRETARY OF STATE

RULES AND RULEMAKING

ARTICLE 1. GENERAL PROVISIONS

Section

R1-1-113.

Fees

ARTICLE 1. GENERAL PROVISIONS

R1-1-113. Fees

- A. The fees for the ~~Register~~ *Register*, covering publication and distribution costs, are as follows:

1. For a one-year subscription to the ~~Register~~ *Register* in print format:
  - a. For noncommercial use: \$276.
  - b. For commercial use: \$5,500.
2. For a single issue of the ~~Register~~ *Register* or a single issue of the Semi-annual Index:
  - a. In print format for noncommercial use: \$7;
  - b. In print format for commercial use: \$125;
  - c. On electronic medium for noncommercial use: the cost of computer time at \$35 per hour or portion of an hour;
  - d. On electronic medium for commercial use: \$125 plus the cost of computer time at \$35 per hour or portion of an hour.

Notices of Exempt Rulemaking

3. ~~For the Semi-Annual Index listing all items except rules: \$5.~~
4. ~~For the Semi-Annual Index containing only rulemaking activity: \$5.~~
- B. The fees for the printed ~~Code~~ Code, covering publication and distribution costs, are as follows:
  1. For noncommercial use:
    - ~~1-a.~~ For a full set of the ~~Code~~ Code, including binders: \$450.
    - ~~2-b.~~ For an annual subscription for quarterly updates to the complete set of the ~~Code~~ Code: \$125.
    - ~~3-c.~~ For individual Chapters and Titles:
      - ~~a-i.~~ For an entire Title: the sum of the charges for all Chapters within the Title as specified in subsection (B)(1)(c)(ii).
      - ~~b-ii.~~ For ~~each~~ a Chapter: \$1 for one to four pages and \$1 for each additional 10 pages or portion ~~thereof~~ of the 10 pages.
    - d. For an individual Code supplement: the sum of the charges of all Chapters within the supplement, as specified in subsection (B)(1)(c)(ii).
  2. For commercial use:
    - a. For a full set of the Code, including binders: \$15,000.
    - b. For individual Chapters and Titles:
      - i. For a Chapter: \$84.
      - ii. For an entire Title: the sum of the charges for all Chapters within the Title, as specified in subsection (B)(2)(b)(i).
    - c. For an individual Code supplement: the sum of the charges of all Chapters within the supplement, as specified in subsection (B)(2)(b)(i).
- C. The fees for rules on electronic media available to the Office ~~computer disk, with each disk containing either one Title table of contents or one Chapter, or portion of a Chapter if the Chapter takes two or more disks,~~ are as follows:
  1. For a person, company, organization, business, or governmental agency buying ~~the rules a Chapter on disk~~ electronic medium for noncommercial use: the cost of computer time at \$35 per hour or portion of an hour.
  2. For a person, company, organization, business, or governmental agency buying ~~the rules a Chapter on disk~~ electronic medium for a commercial purpose as stated in A.R.S. § 39-121.03: \$84 per disk or \$17,950 for the entire Code on disk \$85 and computer time at \$35 per hour or portion of an hour.
  3. For a person, company, organization, business, or governmental agency downloading a Chapter from the internet for a commercial purpose as stated in A.R.S. § 39-121.03: \$84.
- D. The fee for ~~each~~ a binder for the ~~Code~~ Code: \$5.
- E. The fee for a copy of the Style Manual, developed by the Office as a guideline for agencies: \$5 for members of the public; free of charge for state agency personnel involved in rulemaking.
- F. For the Office rulemaking newsletter (*Ruling Arizona The Rule(write)r's Edge*): no charge.
- G.E. ~~The Office requires advance payment for any materials purchased~~ A purchaser shall pay in advance for materials bought from the Office. Payment shall be made by cash, check, or money order only, unless the order is from a governmental agency, in which case a government purchase order or fund transfer form may be used. Do not send cash through the mail. A government agency may use a purchase order or fund transfer form.

NOTICE OF EXEMPT RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 8. ARIZONA STATE PARKS BOARD

PREAMBLE

**1. Sections Affected**

Exhibit A

**Rulemaking Action**

Amend

**2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 41-511.05(8)

Implementing statute: A.R.S. § 41-511.05(8)

**3. The effective date of the rules:**

August 6, 2003

**4. A list of all previous notices appearing in the Register addressing the exempt rule:**

Notice of Exempt Rulemaking: 8 A.A.R. 3657, August 23, 2002

**5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Elizabeth Jacquez

Address: 1300 W. Washington  
Phoenix, AZ 85007

Telephone: (602) 542-2155

Fax: (602) 542-6949

E-mail: ejacquez@pr.state.az.us

or

Name: Rich Evans

Address: 1300 W. Washington  
Phoenix, AZ 85007

Telephone: (602) 542-7151

Fax: (602) 542-4180

E-mail: revans@pr.state.az.us

**6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from the regular rulemaking procedures:**

R12-8-109, Fees and Permits, set the fees for visitor use and commercial use at Arizona State Parks. Each year, the Arizona State Parks Board reviews its fee structure and approves adjustments for the ensuing calendar year. In its analysis, Arizona State Parks reviews fee structures of surrounding states; reviews operating and development costs of the State Park System; and reviews the public demand for park services and subsequent impacts of visitor use on park resources. State Parks actively pursues public input into the fee structure through regional meetings throughout the state.

At the May 15, 2003 Board meeting, the establishment and revision of Kartchner Caverns State Park's Fee Structure with the proposed fee changes was presented to the Board for consideration. The Board approved the changes as recommended.

Notices of Exempt Rulemaking

7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:  
Not applicable
8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:  
Not applicable
9. The summary of the economic, small business, and consumer impact:  
Not applicable
10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):  
See item #6
11. A summary of the principal comments made regarding the rule and the agency response to them:  
Some members of the public were concerned that the fees were too high, while others thought they were too low. The agency responded by explaining the need to charge fees that were commensurate with development costs and ongoing operating costs.
12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:  
Not applicable
13. Incorporations by reference and their location in the rules:  
Not applicable
14. Was this rule previously adopted as an emergency rule?  
No
15. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 8. ARIZONA STATE PARKS BOARD

ARTICLE 1. GENERAL PROVISIONS

Section

Exhibit A. Fiscal Year ~~2003~~ 2004 Regular Fee Schedule

**Notices of Exempt Rulemaking**

**ARTICLE 1. GENERAL PROVISIONS**

**Exhibit A. Fiscal Year ~~2003~~ 2004 Regular Fee Schedule**

**ARIZONA STATE PARKS  
FISCAL YEAR ~~2003~~ 2004 REGULAR FEE SCHEDULE  
Effective ~~7/31/02~~ 8/6/03**

**HISTORIC PARK AND TOUR FEES**

	AGE GROUPS			* GROUP DISCOUNTS		OTHER FEES	
	Ages 0-6	Ages 7-13	Ages 14 & up	Ages 7-13	Ages 14 & up		
Boyce Thompson	(Separate Fee Schedule)					Overnight Parking:	4.00
Fort Verde	free	1.00	3.00	0.80	2.40	Annual Permit (Lim.):	45.00
Jerome	free	1.00	4.00	0.80	3.20	Annual Permit (Unl.):	75.00
<del>Kartchner Caverns (tour)</del>	<del>free</del>	<del>4.00</del>	<del>42.00</del>			Commercial Retail Permit:	250.00
McFarland	free	1.00	3.00	0.80	2.40	Commercial Rental Permit:	300.00
Riordan Mansion	free	2.50	6.00	2.00	4.80	2nd Commercial Permit:	100.00
Tombstone	free	1.00	4.00	0.80	3.20	<b>SPECIAL USE FEES:</b> (minimum fees charged per room or area)	
Tubac Presidio	free	1.00	3.00	0.80	2.40	Non-commercial:	25.00
Yuma Territorial Prison	free	2.00	4.00	1.60	3.20	Commercial:	25.00
Yuma Crossing	free	2.00	4.00	1.60	3.20	Damage Deposit:	25.00
						(commercial fees not to exceed \$10,000)	
						<b>PROGRAM FEES (per person):</b>	
						Students / Interp. Program:	1.00
						<b>RESERVATIONS:</b>	
						Kartchner Tours:	<del>2.00</del> 3.00
						Group Day-Use Reservation:	10.00-100.00
						Group Camping Reservation:	25.00-100.00

\* All persons in a group, regardless of age, apply toward a group's number. A group is 15 persons or more.

**KARTCHNER CAVERNS**  
**Effective Date 8/6/03**

<b>TOURS</b> <i>Reservation Fee not included</i>				<b>DAILY ENTRANCE</b> (Fee is waived for reserved tour ticket holders.)		
	Ages 0 - 6	Ages 7 - 13	Ages 14 and up	Per vehicle 2 Adult Persons	Each additional adult per vehicle	Individual/bicycle
Rotunda Tour	free	6.95	15.95			
*Seasonal Rate Rotunda Tour	free	5.95	13.95			
Big Room Tour	N/A	9.95	19.95	5.00	2.00	2.00
<b>"Walk Up" Non-Reservation</b>				<b>CAMPING</b> Hookup site ONLY		
Rotunda Tour	free	9.95	18.95		Nightly rate	22.00
*Seasonal Rate Rotunda Tour	free	8.95	16.95		Seasonal/Conditional rate	110.00
Big Room Tour	N/A	12.95	22.95			

\* Seasonal and Conditional Rates scheduled times vary by Park. Contact individual Park directly

**Notices of Exempt Rulemaking**

**RECREATION AND CONSERVATION PARK FEES**

	DAILY ENTRANCE		NIGHTLY CAMPING				SPECIAL SEASONAL AND CONDITIONAL RATES*			
	Per Vehicle 1-4 Adult Persons*	Individual/ Bicycle	Campsite	Hook-Up Site	Cabana or Boat Site	Cabin or Yurt	Campsite Per Week	Hook-Up Site	Cabana or Boat Site	Cabin or Yurt
Alamo	5.00	1.00	10.00-12.00	19.00-22.00		35.00-75.00	50.00-60.00	95-110.00		175.00-325.00
Buckskin Mountain	7.00	1.00		19.00-22.00	19.00-22.00			95-110.00	95-110.00	
Buckskin River Island	7.00	1.00	14.00-16.00				70.00-80.00			
Catalina	6.00	1.00	12.00-15.00	19.00-22.00			60.00-75.00	95-110.00		
Cattail Cove	8.00	1.00		19.00-22.00	14.00			95-110.00	70.00	
Dead Horse Ranch	5.00	1.00	12.00-15.00	19.00-22.00		35.00-75.00	60.00-75.00	95-110.00		175.00-325.00
Fool Hollow	6.00	1.00	12.00-15.00	19.00-22.00			60.00-75.00	95-110.00		
Homolovi Ruins	5.00	1.00	12.00-15.00	19.00-22.00			60.00-75.00	95-110.00		
Kartchner Caverns	<del>10.00</del>	<del>4.00</del>		<del>22.00</del>				<del>110.00</del>		
Lake Havasu	8.00	1.00	14.00-16.00				70.00-80.00			
Lost Dutchman	6.00	1.00	12.00-15.00				60.00-75.00			
Lyman Lake	5.00	1.00	12.00-15.00	19.00-22.00		35.00-75.00	60.00-75.00	95-110.00		175.00-325.00
Oracle	6.00	1.00								
Patagonia Lake	7.00	1.00	12.00-15.00	19.00-22.00	12.00		60.00-75.00	95-110.00	60.00	
Picacho Peak	6.00	1.00	12.00-15.00	19.00-22.00			60.00-75.00	95-110.00		
Red Rock	6.00	1.00	(Camping fees for educational groups only: \$12.00/group of 1-6 persons)							
Roper Lake	6.00	1.00	12.00-15.00	19.00-22.00		35.00-75.00	60.00-75.00	95-110.00		175.00-325.00
Slide Rock	8.00	1.00								
Tonto Natural Bridge	6.00	1.00				35.00-75.00				175.00-325.00

\* Adult person is defined as an individual 14 years of age or older.

\* Seasonal and Conditional Rates scheduled times vary by Park. Contact individual Park directly